

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77229623
LAW OFFICE ASSIGNED	LAW OFFICE 112
MARK SECTION (no change)	
ARGUMENT(S)	

REQUEST FOR RECONSIDERATION FILED

CONTEMPORANEOUSLY WITH

NOTICE OF APPEAL

Applicant has filed a Notice of Appeal but believes that this additional showing of 'secondary source' shall be sufficient to persuade the Examining Attorney to withdraw the refusal to register – if not, Applicant wishes then to proceed with the appeal with the updated record.

Applicant respectfully requests that the refusal to register on the basis of "ornamentation" be withdrawn. The Examining Attorney has taken the position that the evidence of secondary source previously supplied does "not reference a design element" and is thus insufficient.

The attached additional evidence includes the design element in addition to the word elements (Applicant maintains that prior evidence was sufficient) with the exception of the Urban Dictionary citation. The evidence includes:

An "images" search of Google of the phrase "SLUSHO! YOU CAN'T DRINK JUST

SIX” in which 2,460 results were disclosed. The first four pages are attached, including numerous “hits” for the logo in addition to the words (including t-shirts for which this application seeks registration);

- A Wikipedia entry for SLUSHO which also shows images of the logo;
- A Heroes Wiki entry for SLUSHO! which also shows images of the logo;
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- Various third party websites “finding” and “reporting” on the SLUSHO phenomenon (including photographs of the image of the logo);
- Excerpt from Urban Dictionary

It is noted that none of these pieces of web evidence are/were created by Applicant but instead by others – clearly a rarity that one can provide such significant evidence of the public perception of the mark and its import of – and proof of – secondary source. Indeed, these references are exactly what is meant by “secondary source” as described in *In re Pro-Line Corp.*, 28 USPQ2d 1141 (TTAB 1993) and as explained in TMEP Section 1202.03(c).

As the Examining Attorney is aware, “secondary source” can be provided by information other than trademark application filings (in addition to filings). See *In re Paramount Pictures Corp.*, 213 USPQ 1111 (TTAB 1982), in which MORK & MINDY was held registrable for decals, because applicant had a television series of that name. The Board held that the case was controlled by its decision in *In re Olin Corp.*, 181 USPQ 182 (TTAB 1973) (stylized "O" design registrable for T-shirts, where applicant had previously registered the "O" design for skis), in which that Board had stated:

It is a matter of common knowledge that T-shirts are "ornamented" with various insignia ... or various sayings such as "Swallow Your Leader." In that sense what is sought to be registered could be construed to be ornamental. If such ornamentation is without any meaning other than as mere ornamentation it is apparent that the ornamentation could not and would not serve as an indicia of source. Thus, to use our own example, "Swallow Your Leader" probably would not be considered as an indication of source.

The "ornamentation" of a T-shirt can be of a special nature which inherently tells the purchasing public the source of the T-shirt, not the source of manufacture but the secondary source....

181 USPQ at 182.

In *Paramount*, applying the test set forth in *Olin*, the Board found that "the paired names 'MORK & MINDY,' while certainly part of the ornamentation of the decal, also indicate source or origin in the proprietor of the Mork & Mindy television series in the same sense as the stylized 'O' in *Olin*." 213 USPQ at 1113. This has been deemed as serving "a trademark function".

In the present case, Applicant's association with the mark cannot be disputed. While not citable as precedent, Applicant attaches hereto *In re Larry Harmon Pictures Corporation* which is quite akin to the facts at hand. In *Harmon*, the Examining Attorney refused registration of a mark on a t-shirt which showed a photograph of Laurel and Hardy, said Laurel and Hardy, but also said "ANOTHER FINE MESS" for which they sought registration. The Examining Attorney rejected the applicant's argument that ANOTHER FINE MESS was "a signature phrase" which could be viewed as "secondary source" particularly given its large shape and prominence on the t-shirt.

The TTAB reversed the refusal, stating that despite the Examining Attorney's position that many unrelated parties use the phrase ANOTHER FINE MESS, and that even if an association was made to Laurel and Hardy, and even with such a 'large' placement on the t-shirt, such an association would rise to "trademark" status.

The Board noted that applicant was correct in its argument that the persons interested in purchasing the t-shirts (as here, Applicant's entertainment works' fans as it relates to t-shirts) "would be likely to be persons who are familiar with Laurel and Hardy and that these purchasers would be apt to make the association between the phrase and the Hardy character of the Laurel and Hardy team." It is noteworthy that the Board found "secondary source" despite that "the phrase does not directly name any secondary source for the goods" and that there was no evidence of record suggesting that the phrase was a recognized trademark for any goods or services.

Under these circumstances, the law is clear that the mark is registrable. While SLUSHO! YOU CAN'T DRINK JUST SIX (and design) may not be as famous as Laurel and Hardy, the mark has a wide and devoted following. People wishing to buy Applicant's t-shirts items are purchasing them for the very reason of the association.

Applicant respectfully requests that Application be accepted and the refusal to register be withdrawn. If the Examining Attorney has any questions, he is urged to telephone the undersigned attorney.

EVIDENCE SECTION

EVIDENCE FILE NAME(S)

JPG FILE(S)

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DESCRIPTION OF EVIDENCE FILE	Google "Images" search results; Wikipedia entry; Heroes Wiki entry; two Facebook "fan" pages; various websites and Urban Dictionary entry establishing the "secondary source" as it applies to Applicant's mark.
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Lori N. Boatright/
SIGNATORY'S NAME	Lori N. Boatright
SIGNATORY'S POSITION	Attorney of Record, California Bar Member

DATE SIGNED 06/07/2010

**AUTHORIZED
SIGNATORY** YES

**CONCURRENT APPEAL
NOTICE FILED** NO

FILING INFORMATION SECTION

SUBMIT DATE Mon Jun 07 20:26:18 EDT 2010

TEAS STAMP USPTO/RFR-76.212.194.40-2
0100607202618002724-77229
623-460886f6a44512c751a4f
a7939d47baf196-N/A-N/A-20
100607200717505118

**Request for Reconsideration after Final Action
To the Commissioner for Trademarks:**

Application serial no. **77229623** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

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CONTEMPORANEOUSLY WITH

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EVIDENCE

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JPG file(s):

Evidence-1
Evidence-2
Evidence-3
Evidence-4
Evidence-5
Evidence-6
Evidence-7
Evidence-8
Evidence-9
Evidence-10
Evidence-11
Evidence-12
Evidence-13
Evidence-14
Evidence-15

Evidence-16

Evidence-17

Evidence-18

Evidence-19

Evidence-20

Evidence-21

Evidence-22

Evidence-23

Evidence-24

Evidence-25

Original PDF file:

cvi 7621219440-200717505 . larryharmon.pdf

Converted PDF file(s) (14 pages)

Evidence-1

Evidence-2

Evidence-3

Evidence-4

Evidence-5

Evidence-6

Evidence-7

Evidence-8

Evidence-9

Evidence-10

Evidence-11

Evidence-12

Evidence-13

Evidence-14

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Lori N. Boatright/ Date: 06/07/2010

Signatory's Name: Lori N. Boatright

Signatory's Position: Attorney of Record, California Bar Member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 77229623

Internet Transmission Date: Mon Jun 07 20:26:18 EDT 2010

TEAS Stamp: USPTO/RFR-76.212.194.40-2010060720261800

2724-77229623-460886f6a44512c751a4fa7939

d47baf196-N/A-N/A-20100607200717505118



slusho! you can't drink just six Search

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About 2,460 results (0.17 seconds)

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Everything

Images

More

Any size

Medium

Large

Icon

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Exactly...

Any type

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Full color

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cloverfieldclues...



Slusho: You
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Yo
430



You can't drink
800 × 600 - 119k - jpg
whateves.com
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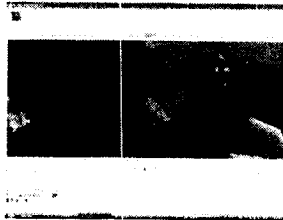
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patrick.nip.be



You Can't Drink
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testhack.com



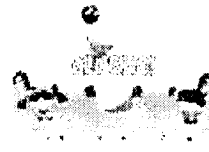
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1280 × 1024 - 128k - jpg
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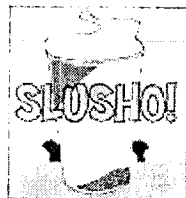
You can't drink
401 × 226 - 35k - jpg
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Yo
250



Slusho - You
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femal.com



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mms3.blu.com



You can't drink
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gimavation.com



Yo
97



slusho! you can't drink just six

Search

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Page 2 of about 2,460 results (0.12 seconds)

[Advanced search](#)

Everything

Images

More

Any size

Medium

Large

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Larger than...

Exactly...

Any type

Face

Photo

Clip art

Line drawing

Any color

Full color

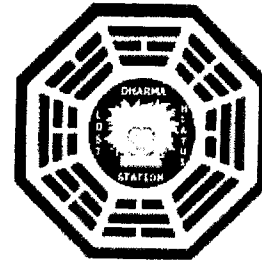
Black and white



Now **Slusho!** make
550 × 307 - 35k - gif
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forums.infiction.com



And you're
600 × 600 - 54k - jpg
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You can't drink
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gametrailers.com



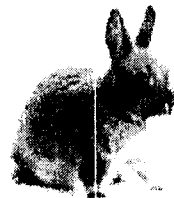
You Can't Drink
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frozen drink
319 × 319 - 37k - jpg
cloverfieldclues...



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Slusho.jpg
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Everything

Images

More

Any size

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Icon

Larger than...

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Face

Photo

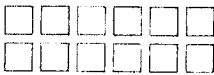
Clip art

Line drawing

Any color

Full color

Black and white



We need MORE
799 × 500 - 120k - jpg
myspace.com



You can't drink
90 × 111 - 3k - jpg
blogs.myspace.com

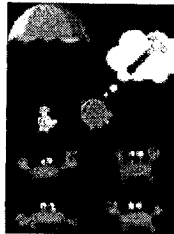


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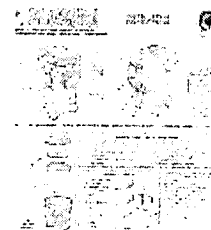
The Slusho!
550 × 315 - 38k - gif
cloverfieldclues...



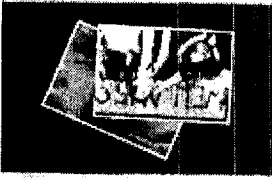
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Slusho drink no.7
480 × 360 - 14k - jpg
video-automobile.ru



Here's some
400 × 390 - 192k - gif
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1280 × 1024 - 147k - jpg
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Any size

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Larger than...

Exactly ..

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Line drawing

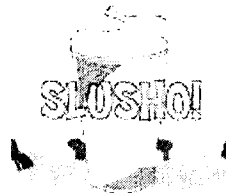
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Full color

Black and white



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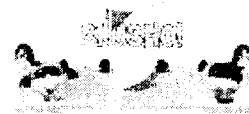
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nlogs.myspace.com



Slusho Meets
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claymorefield.com



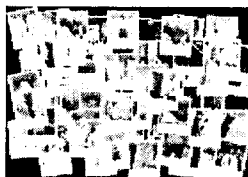
Slusho Happy Talk
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claymorefield.com



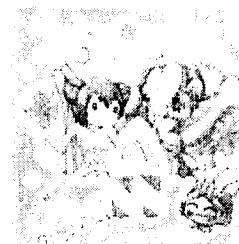
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New Slusho
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Slusho

From Despoiler - Cloverfield

This page is about Slusho, a company and drink. For information on the website, go to slusho.jp.

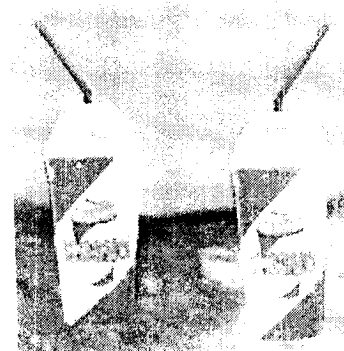
Slusho (<http://slusho.jp>) is a fictional Japanese drink. The tagline of the drink is "You Can't Drink Just Six."



Slusho's Logo

Contents

- 1 Real world
- 2 Official summary
- 3 Origins
- 4 Flavors
- 5 Ingredients
 - 5.1 Deep Sea Ingredient
- 6 Commercial
 - 6.1 Translation
 - 6.2 Notes
- 7 See Also
- 8 External Links



Two cups of Slusho, from the official commercial

Real world

Slusho's origins go back to a time much earlier than Cloverfield. The Slusho drink was first mentioned in the second episode of J.J. Abrams' television series *Alias*.

The old Slusho logo looked very similar to the ICEE logo, but a different version is currently in use.

Slusho was also referenced again in *STAR TREK*, another J.J. Abrams project.

Official summary

Created by Tagruato C.E.O. Ganu Yoshida, Slusho! brand happy drink is a icy cool beverage that is rapidly becoming one of the company's most profitable expenditures. Slusho! contains a \$pecial ingredient' that customers can't get enough of. Bearing the slogan, 'You can't drink just six!,' Slusho! has grown to the second most popular frozen drink in all Asian markets. Hip adult drinkers have begun concocting deliciously intoxicating alcoholic mix drinks starring Slusho! The beverage's popularity has spawned overwhelming sales of brand apparel, a hit theme song, and coming soon: an animated television show starring the Slusho! Flavor Droids! The next step is to introduce Slusho! to the rest of the world. A search is on for top marketing professionals who will be tasked with duplicating the drink's Asian popularity in the Western market. Our aspiration is to one day place Slusho! dispensers in every convenience store and

mini mart. Slusho zoom!

Origins

Noriko Yoshida loved to create new beverages and wanted to make 'the best drink ever'. When she disappeared (and perhaps died) on a search for the "greatest, most tastiest ingredient" for her dream drink, her son, Ganu Yoshida, took over her quest. Initially, Ganu did not get very far, as he was constantly reminded of his mother's death whenever he tried to create new beverages. He eventually sold Noriko's drink business to his cousin.

One day, Ganu's new company, Tagruato, discovered Seabed's Nectar. Ganu had a dream that night that he was a small fish. A whale came along and told him to drink the new ingredient, and when he did, he became an enormous whale. Ganu woke up and realized that he had finally found the magic ingredient his mother was searching for, and re-joined his cousin in the drink business.

Because Seabed's Nectar was discovered in the depths of the ocean where it was extremely cold, Ganu thought that his new drink should be served in a near-frozen state to preserve the freshness of the magic ingredient. It was then that Slusho was born.

Flavors

- Blueberry Zoom
- Chocolate Rage
- Mikan (a citrus)
- Nashi (an Asian pear)
- Banana Anime
- Strawberry Tasty

- Three 'Western-only' flavors

Ingredients

Some of Slusho's ingredients were revealed by the Ravaille Research Center on 21Nov07:

- Seabed's Nectar (see below)
- Carbonated water
- Glucose
- Sodium citrate
- Vitamin E
- D-Pantothenol
- Citric acid
- Oleoresin
- Gelatine
- Sucrose acetate isobutyrate
- Phosphoric acid
- Carob bean gum
- Potassium benzoate

Deep Sea Ingredient

Main article: Seabed's Nectar

The deep sea ingredient is the secret, mysterious ingredient in Slusho. It is described as having euphoric effects on those that consume it, and is the main ingredient in all Slusho drinks. When Vernon MacDooble's restaurant review was discovered, Seabed's Nectar was widely speculated to be the deep sea ingredient reference in the history section of slusho.jp. On September 28, the text in the newly made Distribution Opportunities section confirmed that the deep sea ingredient was indeed *kaitei no mitsu*, or Seabed's Nectar.

Commercial

So far there is one official commercial, although some may appear later and there is currently a Slusho commercial contest going on (go here for info on the contest). It was revealed on 06Dec07 along with the start of the contest.

It depicts the experiences of a frustrated man as he tries to open a door (someone had locked him in), though he is not always in the room. First the man can be seen inside a small room that has nothing but a picture on the wall (which will appear later) and a few lights. A gloved hand is then seen slamming the door closed from the outside, leaving the man shocked and helpless. He tries in vain to open or break down the door.

Suddenly a giant moose appears and the room turns into space (although the door is still there). The moose tells him something and the man sighs with a worried expression. The environment then turns into grassy hills with a bright sky. Two heads then appear and talk to him, one being a male and the other a female with make-up. They both talk to him, and the female's comment seems to have a positive effect. The man's face brightens up and he hits the male head.

The two heads then disappear and the man lifts up his shirt, showing a picture of the cartoon boy found on slusho.jp. After a while he has a confident look on his face and he tears the door off its hinges. The environment then transforms into an underwater setting and the giant moose can be seen again. There is seaweed on the ground and a female diver can be seen in the background holding the picture that was previously in the room.

All of the cartoon characters from slusho.jp appear around the moose, the diver gets closer and the man runs off. The two heads also appear and drink a Slusho each. The Slusho logo pops up onto the screen before the screen cuts to a short clip of a chimpanzee holding a flag with the slusho.jp cheese on it.

Translation

Moose: Don't wait for an opportunity to come knocking on your door.

Male head: What a shame, what a shame...

Female head: To get far in this world, you have to pay attention. There's opportunities all around you.

Notes

- The lyrics to the song in the advert are currently unknown, but popular theories suggest that they are either "Slusho, we're happy flavor" or "Slusho, we've got the flavor"
- The commercial is entirely in Japanese except for the English phrase "You can't drink just six!" (the slogan) at the end and possibly the lyrics to the song.

- It would be impossible to close the door as depicted in the commercial, as the gloved hand would be in the way.
- The screen transition at the end contains small red footprints.
- At the end of the underwater scene, the monkey eats the smaller fish.
- Even though the man desperately wanted to go through the door at the beginning of the commercial, he shakes his head and moves away from it once he sees what's inside.
- The picture held by the diver is the same one as the one in the room. Also, she is wearing an oven mitten and holding a hammer, continuing the mitten-hammer-cheese mystery.
- When the male head speaks, the background is dark and the man becomes sad, when the female speaks the background is bright and the man becomes happy.
- The settings are consistent with some of slusho.jp's settings. Although no section takes place in a room, it could be interpreted as being the fashion show in the 'Store' section. The rest of the settings have more easily identified sections: the space setting is 'Flavors', the hills are the Home page and the underwater setting is identical to that of the 'History' section.
- The slogan 'You can't drink just six' can be translated to 'A toxic industry's junk' if you change the combinations of the letters, just like season 3 of LOST. This may tell us that Slusho really has side effects.

See Also

- Tagruato
- Category:Slusho flavors

External Links

- slusho.jp (<http://slusho.jp>)
- Tagruato subsidiary page (http://www.tagruato.jp/slusho_subsidaries.php)
- First reference to Slusho, on Alias (<http://www.youtube.com/watch?v=epVFwDln8Nw>)

Retrieved from "<http://cloverfield.despoiler.org/index.php?title=Slusho>"

Category: Tagruato

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Slusho!

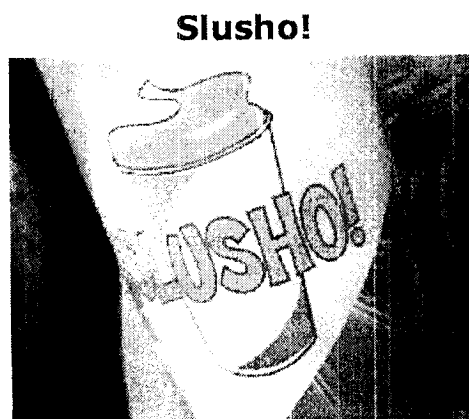
From Heroes Wiki

(Redirected from Slusho)

Slusho! is a fictional brand of drink sometimes seen on *Heroes*.

Contents

- 1 About
 - 1.1 Cautionary Tales
 - 1.2 Truth & Consequences
 - 1.3 Graphic Novel:From the Files of Primatech, Part 7
- 2 Notes
- 3 Gallery
- 4 See Also
- 5 External Links
- 6 Fan Theories



Slusho! You can't drink just six!

First mentioned:

Cautionary Tales

About

Cautionary Tales

While waiting for Mr. Bennet to arrive, Elle is drinking Slusho!

Truth & Consequences

While spying on Claire during Noah's memorial service, Elle drinks a Slusho! When Claire notices her, Elle spills the drink on herself.

Graphic Novel:From the Files of Primatech, Part 7

Young Elle Bishop is having a big Slusho! while playing a video game. When she accidentally spills her Slusho! on the game, her ability manifests. Later, she is given a Slusho! while undergoing several experiments.

Notes

- Slusho! has been featured in numerous works by J.J. Abrams, best-known as creator of ABC's *Lost* and *Alias*. Slusho! was first mentioned in an episode (http://alias.wikia.com/wiki/1.2_So_It_Begins#References) of *Alias*. The drink has a minor appearance in *Cloverfield*

(http://cloverfield.wikia.com/wiki/Cloverfield_Wiki) , a monster movie produced by Abrams, and released on January 18, 2008. It also plays a larger part (<http://cloverfield.wikia.com/wiki/Slusho%21>) in the *Cloverfield* viral marketing campaign (<http://cloverfield.wikia.com/wiki/Viral>) .

- Greg Beeman has posted (<http://gregbeeman.blogspot.com/2007/11/season-2-episode-9-cautionary-tales.html>) several pictures of the cast of *Heroes* displaying the beverage on his blog. The images, according to Beeman, were staged by Greg Yaitanes, under the supervision of Joe Pokaski. Yaitanes is friends with Abrams, having directed an episode of Abrams's *Alias* and two episodes of *Lost*.

Gallery



Greg Beeman posted several images on his blog (<http://gregbeeman.blogspot.com/2007/11/season-2-episode-9-cautionary-tales.html>) , all revolving around Slusho!



Elle drinks a Slusho! as she talks with Mohinder.



Slusho! again appears to be Elle's choice of stakeout drink.



Mr. Bennet loves Slusho!



A Big Slusho! for Elle's 8th birthday.

See Also

- For another type of flavored frozen drink featured on *Heroes*, see **Slushy**.

External Links

- Slusho! You Can't Drink Just Six (<http://www.slusho.jp/>) — Official Site
- Official *Cloverfield* Site (<http://www.1-18-08.com/>)
- *Cloverfield* trailers (<http://www.apple.com/trailers/paramount/cloverfield/>)
- *Cloverfield* (<http://www.imdb.com/title/tt1060277/>) —IMDb.com
- *Cloverfield* News (<http://www.cloverfieldnews.com/>)
- *Cloverfield* Project (<http://cloverfieldproject.com/>)
- Project *Cloverfield* (<http://projectcloverfield.com/>)
- Spoiler (http://1-18-08.despoiler.org/index.php?title=Main_Page) , the *Cloverfield* wiki project

Fan Theories

Please refer to Theory:Slusho! for fan-created theories and other speculation.

Food

[edit \(http://heroeswiki.com/index.php?title=Template:Food&action=edit\)](http://heroeswiki.com/index.php?title=Template:Food&action=edit)

Chilaquiles • Lentil soup • Pie • **Slusho!** • Slushy • Usutu's paste • Waffles

Other Things: Artwork • Clothing • Documents • Drugs • Items • Jewelry • Media • Medical Conditions • Money • Phones • Publications • Research • Technology • Vehicles • Weapons

Retrieved from "<http://heroeswiki.com/Slusho%21>"

Categories: Food • Galleries

-
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**Slusho-you can't drink just six**[Join](#)[Wall](#) [Info](#) [Photos](#) [Discussions](#)**Information****Category:**

Common Interest - Food & Drink

Description:**SLUSHO!**

Created by Tagruato C.E.O. Ganu Yoshida, Slusho! brand happy drink is a icy cool beverage that is rapidly becoming one of the company's most profitable expenditures. Slusho! contains a "special ingredient" that customers can't get enough of. Bearing the slogan, "You can't drink just six!", Slusho! has grown to the second most popular frozen drink in all Asian markets. Hip adult drinkers have begun concocting deliciously intoxicating alcoholic mix drinks starring Slusho! The beverage's... [\(read more\)](#)

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Members

4 of 5 members

[See All](#)Edyta
SlushoCarl
MathieuFrits
Robert
OhrstrandBrittany
Connolly

Edouard Gassin join the group SLUSHO France!... and remember, yc drink 6!

<http://www.facebook.com/group.php?gid=8504378268>

February 15, 2008 at 10:58am · [Flag](#)



Jerry Flerry Are you one of us?

November 27, 2007 at 6:33am · [Flag](#)



Frits Robert Ohrstrand I am so happy and full of Slusho that I migh

November 24, 2007 at 9:37am · [Flag](#)

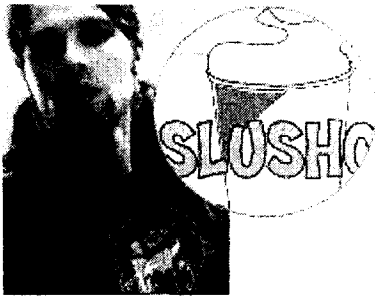


Jerry Flerry Zooooom !

November 20, 2007 at 7:11am · [Flag](#)

Slusho-you can't drink just six has no more posts.

[Chat \(Offline\)](#)

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Category: Common Interest - Food & Drink
Description: SLUSHO!

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Privacy Type: Open: All content is public.

Contact Info

Email: LOVEHAMMERS_ROCK@YAHOO.COM

Information

Category:
Common Interest - Food & Drink

Description:
SLUSHO!
Created by Tagruato C.E.O. Ganu Yoshida, Slusho! brand happy drink is a icy cool beverage that is rapidly becoming one of the company's most profitable expenditures. Slusho! contains a "special ingredient" that customers can't get enough of. Bearing the slogan, "You can't drink just six!", Slusho! has grown to the second most popular frozen drink in all Asian markets. Hip adult drinkers have begun concocting deliciously intoxicating alcoholic mix drinks starring Slusho! The beverage's... (read more)

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Slusho



Eric
Robert
Ohrstrand



Carl
Mathieu



Brittany
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Business - Companies

Description:

<http://www.slusho.jp/>

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Margarette Eunice Galang Reyes

[SLUSHO! Photos](#)March 27 at 10:05pm · [Share](#)

Patrick McCarty I want to try one

March 24 at 12:35pm · [Flag](#)

Alex Emery Zurita You can never have just six :D

February 9 at 6:16pm · [Flag](#)

Alex Vladi Come to my Farmville, I'll spend some Slusho drinks :-)
Wearing Slusho T-Shirt

December 29, 2009 at 12:27pm · [Flag](#)

Sean Rizzle Dizzle I grew up on slushos, remember sneaking them i
just to get the sugar buzz before studies

December 19, 2009 at 4:42pm · [Flag](#)

Timmy Thomas likes this.



Dwayne Jackson "the slusho mix is good" "and the slusho mix"- stai

December 19, 2009 at 3:35pm · [Flag](#)

Brian Looby Telles slusho was also in cloverfield!!!

December 2, 2009 at 6:30pm · [Flag](#)

Andrés Chavez likes this.



Todd Heup slusho ichi-ban! super happy funtime, boyo!

November 8, 2009 at 9:29pm · [Flag](#)

Bobby Kietz Lisa:

God help your poor soul.

September 28, 2009 at 6:06pm · [Flag](#)[Chat \(Offline\)](#)



Rich O'Bier



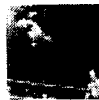
Greg Elliott Jr.



Laurent Ferrier



Jonathan O'Neal Bryant



Sean Dragon Leo



Patrick Charles Parker

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[See All](#)[Report Group](#)**Share****Michael Canadate** LMAO!February 21 at 1:34pm · [Report](#)**Harry Griffin** ALL HAIL SLUSHOSeptember 24, 2009 at 1:54pm · [Flag](#)**Lisa Andrzejewski** I have never heard of or tried this. I'm curious now. Where is it sold? Do they sell it in the States?September 9, 2009 at 12:15pm · [Flag](#)**Kate Dengg** i love shushos ♥ ♥September 3, 2009 at 5:15pm · [Flag](#)**Ruth Rodriguez** I want a vodka slusho shotJuly 20, 2009 at 2:45pm · [Flag](#)**Ben Lemmond** Slusho makes my stomach explode with happy!!July 1, 2009 at 3:28pm · [Flag](#)**Asia Giannini** I love slusho; it has changed my life. I used to drink coke, but I felt depressed all the time; then I found Slusho. Every day I drink seven or more (You really can't drink just six!), and feel an

a Slusho Buzz. A mixture of happiness, exhilaration

Chat (Offline)

:d

**SLUSHO!**[Join](#)[Wall](#)[Info](#)[Photos](#)[Discussions](#)**Basic Info**

Name: SLUSHO!
Category: Business - Companies
Description: <http://www.slusho.jp/>

"You Can't Drink Just Six."

[SUMMARY]

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Open: All content is public.

Privacy Type:

Contact Info

Email: 18KagashimaD@tagruato.jp
Website: <http://www.slusho.jp>
Location: SLUSHO DIST. CENTER (PNB) 29201-3104

Information

Category: Business - Companies
Description: <http://www.slusho.jp/>

"You Can't Drink Just Six."

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DanielleGianluca
De Angelis

Stuart Fox

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News:

[TIMELINE]

July 07, 2007 - Slusho.jp is discovered. At this point in time, only the Customer Feedback, History and Download pages are working. There were links on the home page to the Happy Talk, Store and Flavors sections, however they were not named or functional. The site was found after seeing the Slusho logo on Hawk's t-shirt in the teaser trailer.

July 28 2007 - Happy Talk, Store and Flavors sections added.

August 21, 2007 - Happy Talk updated.

October 5, 2007 - Happy Talk updated.

December 13, 2007- Distribution Opportunities and Contest sections are added, along with new bubbles on the home page to go with them.

November 07, 2007 - Happy Talk updated.

December 05, 2007 - Contest is up, official commercial is uploaded.

January 08, 2008 - Happy Talk updated.

January 24, 2008 - The contest winners are displayed.

[CUSTOMER FEEDBACK]

Customer FeedbackThe Customer Feed

Chat (Offline)

Check This Out: J.J. Abrams' Slusho Enterprise Revealed!

April 13, 2009

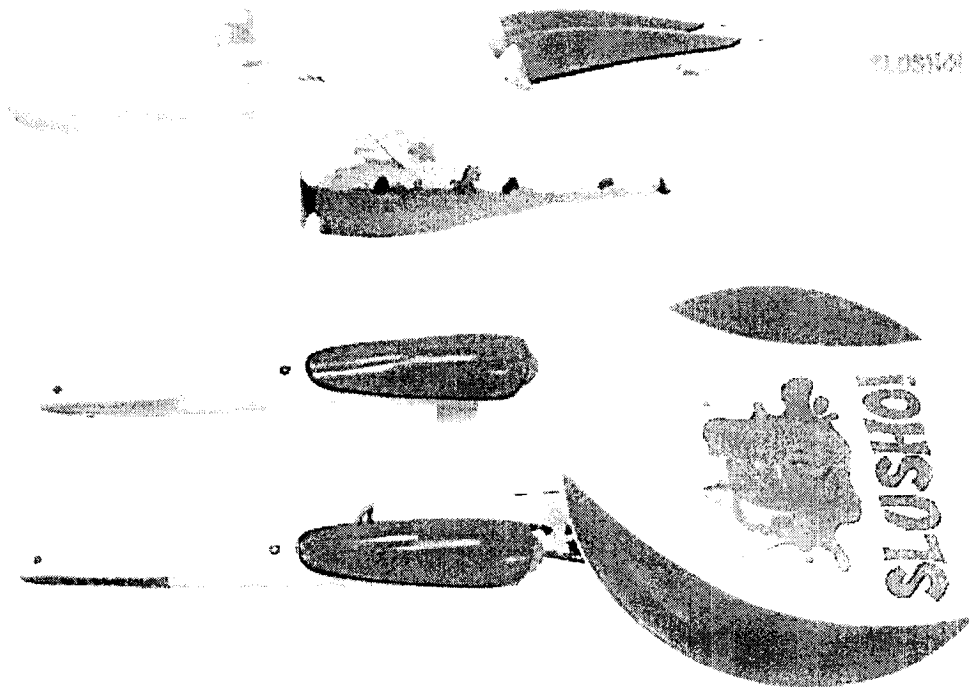
Source: [Official Website](#)

by [Alex Billington](#)



One of the many off-the-wall marketing ideas that Paramount came up with for the new *Star Trek* was to have various artists paint models of the USS Enterprise in whatever quirky style they wanted. I've seen these models in movie theaters in Los Angeles, on display at ShoWest, and everywhere else *Star Trek* has been marketing, but Paramount has only now launched a full gallery of all of the models online [right here](#). One of the ships hidden in the gallery is painted with the **Slusho** logo (listed as Enterprise #12 in the gallery), as done by Amy Vatanakul, an "artist and animator working at Bad Robot Productions." Check it out!

My personal favorite is actually the Enterprise #21 model, in the lower left corner, as that ship just looks frickin' badass with the alien creature being integrated into it. I'd really like to buy that one, please!



There are ships designed by Robert Rodriguez (#4) and Jim Lee (#23), so be sure to check out the [full gallery of models](#). Too bad I can't bid on these, as I might actually shell out some good cash for one of them.

A chronicle of the early days of James T. Kirk and his fellow USS Enterprise crew members.

Star Trek is directed by J.J. Abrams, of "Lost", "Alias", and *Mission: Impossible III* previously. The screenplay was written by Alex Kurtzman and Roberto Orci, of *The Island*, *Mission: Impossible III*, *Transformers*, and the upcoming *Transformers: Revenge of the Fallen*. This is the 11th movie in the *Star Trek* universe, following most recently *Star Trek: Nemesis* in 2002. The original "Star Trek" TV series first aired in 1966. Paramount will debut *Star Trek* in theaters everywhere on May 8th this summer!

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Slusho! - You Can't Drink Just Six



Slusho is a fictional beverage that may be a part of the plot for a JJ Abrams film with the title [Disappeared](#). The website for Slusho provides clues about the plot of the film and other sites with more information.

Slusho also makes an appearance in Abrams' earlier work, Alias. In one episode, Michael Vaughn ([Michael Vartan](#)) offers Sydney Bristow (Jennifer Garner) a Slusho. "They're delicious."

Details on Slusho are provided through www.slusho.jp.

The "secret ingredient" used in Slusho is "Deep Sea Nectar". This is used in a recipe for a noodle dish. The website for Tagruato, a fictional company owns Slusho! criticizes an article (by a fictional institute called the Ravaille Research Center) that reports Slusho causes cellular changes in those that drink it.

The article can be seen [here](#).

Cloverfield Clues Feed

from cloverfieldclues.com

Cloverfield Clues is the leading blog on Cloverfield.

[Super 8 NOT Connected To Cloverfield In Any Way](#)

Bad news Cloverfield fans... [NY Magazine](#) issued a retraction today after speaking directly to J...

[Cloverfield Prequel Confirmed: See "Super 8" Trailer With Iron Man 2](#)

Well folk, it has been a long time coming, but it looks like there will be a Cloverfield 2. [NY Magaz...](#)

[JJ Abrams and Matt Reeves Keep Hope Alive for Cloverfield Sequel](#)

In two separate interviews, MTV has tried to get to the bottom of the possibility of a Cloverfield s...

[Slusho Makes Another Appearance in Fringe](#)



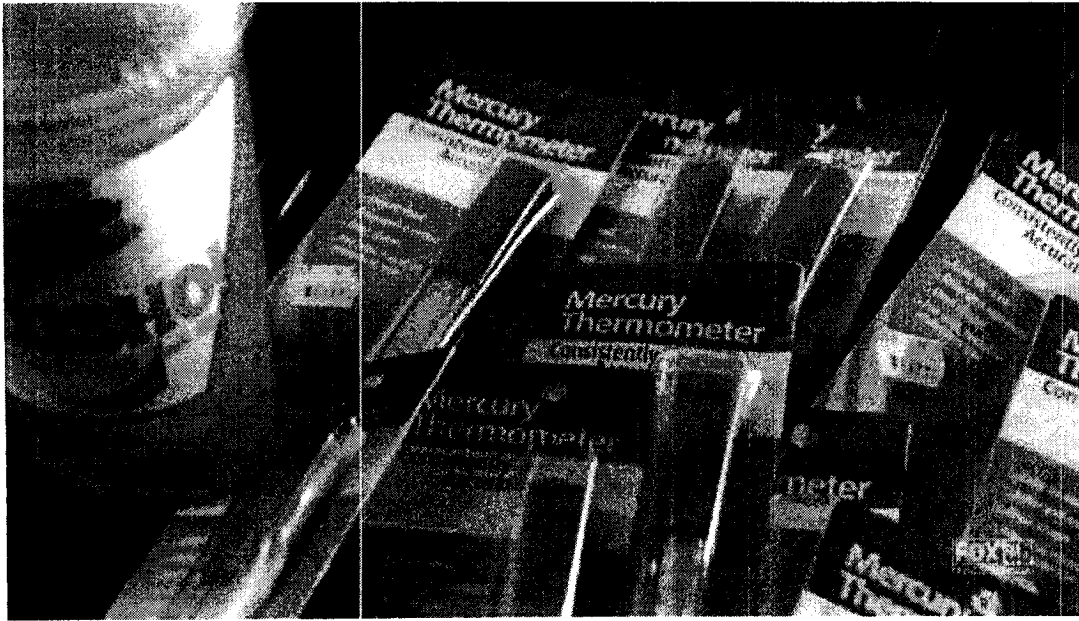
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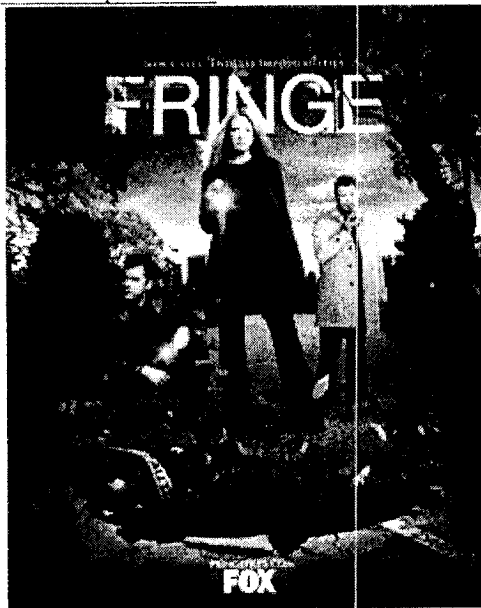
28



Slusho! made another guest appearance on Fringe, in the latest episode "Momentum Deferred".

However,...

Slusho! in Fringe Poster



J.J.
Abrams'
favorite
frozen
drink
Slusho!
has made
another

non-Cloverfield appearance, this time sh...

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[Cloverfield \[Blu-ray\]](#)[Cloverfield](#)[Cloverfield \(Widescreen\)...](#)[Cloverfield with Exclusiv...](#)

About Cloverfield...



Cloverfield is a film by JJ Abrams to be released on January 18, 2008. The film is likely about a large monster that attacks [New York City](#) and an infectious disease related to the attack.

A teaser for the film was released in July 2007 before the screening of Transformers. Since then, many sites have popped up speculating about the film. It is believed that JJ Abrams has created a few sites that are related to the film and provide clues to the film's plot.

Who's blogging about Slusho?

[Super 8 Viral Update: Are Rocket Poppeteers the New Slusho ...](#)

"You can't drink just six!" Everyone remembers **Slusho** from the Cloverfield days (right?). Well, it looks like we now have our new **Slusho** for J.J. Abrams' Super 8 movie - Rocket Poppeteers. Sometime last week after the first trailer for ...

[When Will Slusho Show up in Super 8 When Will Slusho Show up in](#)

Slusho, the mystery bond that connects all of J.J. Abrams movies into one source. When, do you think it will show up in Super 8? In my mind, it's not a question of whether it will or not, but when? one of a long line of ...



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2

Tagruato is a drilling company that also owns **slusho!** and they were drilling and then they had **slusho!** ingredients in the water (Sperm whale fluids) in the water right where they were digging so yeah mad, vicious, mutant, couple 1000 ft. ...

[Rocket Poppeteers Look Like Slusho | The Bloated Penguin](#)

Anyone out there as obsessed with JJ Abrams' Super 8 as I am?

[Powered by Google](#)

Slusho Links

[Slusho "Official" Website](#)

This is where you get to see how Slusho is marketed.

[Official 1-18-08 Site](#)

Shows a bunch of photos that have clues to the movie's plot.

[Jamie and Teddy's Site](#)

This site has messages between two of the film's characters. The password is "jllovesth" . There are currently five videos there.

[Tagruato's Website](#)

This is a fictional corporation that is linked with the film.

[TIDO Wave](#)

This is the website for "The Cause" - a group that believes "Tagruato is Destroying Our Oceans" It is believed to be rife with clues on the movie.

[1-18-08 Trailer](#)

Apple has the trailer available in high-def

[1-18-08 News](#)

Another good Cloverfield news site.

[Cloverfield News](#)

An even better news site.

[Cloverfield Clues](#)

Blog on clues.

Official Slusho Commercial



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look up: Slusho

search

word of the day dictionary store text me add edit chat blog

random [A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Y](#) [Z](#) <#> [new](#)**Custom UD mugs**[Slusho cloverfield 1-18-08 new york monster tagruato](#)[with your fave def Now](#) [rob godzilla cheese manhattan ii abrams](#)

available

1. [Slusho](#)

20 up, 5 down

☐ ☐[buy slusho mugs, tshirts and magnets](#)

Slusho! is the name of the world's most popular frozen drink! "You Can't Drink Just Six!"

Slusho! = A Toxic Industry's Junk

[slusho chocolate cheese cloverfield 1-18-08 monster tagruato](#)by [RasGold](#) Dec 13, 2007 [share this](#)2. [Slusho](#)

20 up, 7 down

[buy slusho mugs, tshirts and magnets](#)

Fictional Japanese drink made by a fictional company called Tagruato

Have a drink of Slusho

[slusho cloverfield slush-o slush o slushi](#)by [zincrox](#) Dec 13, 2007 [share this](#)3. [slusho](#)

8 up, 6 down

[buy slusho mugs, tshirts and magnets](#)

A yum type of drink, where, if you drink too much of it, you can explode, or your stomach bloats up.

The secret ingredient in Slusho! is "Sea-Nectar"

"Slusho! You Can't Drink Just Six!"

"Slusho! We Got The Flavor!"

[cloverfield slusho tagruato tidowave jamie rob](#)[hawkins hawk marlena beth lil](#)by [My Name Is Dan](#) Dec 14, 2007 [share this](#)

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(for 12 months)

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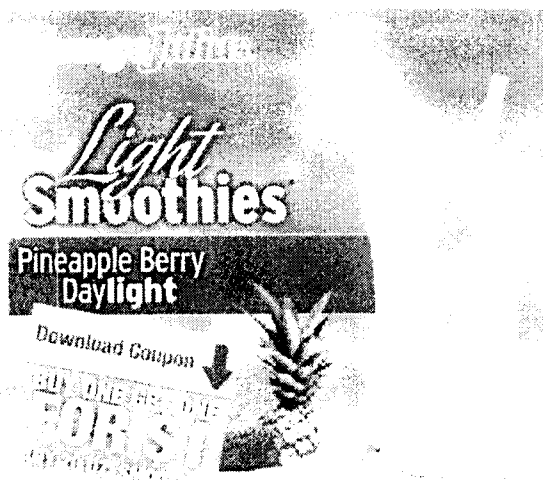
GET HD FREE
FOR LIFE

Requires new 2-yr. agreement with setup and fee.

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Like



4. [slusho](#) 5 up, 10 down

[buy slusho mugs, tshirts and magnets](#)

A drink that contains an ingredient from the bottom of the ocean that makes people turn into huge whales or lions.

My friend bought a Slusho at the store. Then he kept going back and buying more. He drank 7, and then turned into a huge lion.

"I saw it, it's a lion, it's huge!"

He must have drank Slusho.

[slusho](#) [slushee](#) [sulsho](#) [slussho](#) [shluso](#)

by [SmilingBouncer](#) Dec 16, 2007 [share this](#)


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Paper No. 34
HFW

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Larry Harmon Pictures Corporation

Serial No. 74/468,324

G. Allison Strickland of Fross Zelnick Lehrman & Zissu,
P.C. for Larry Harmon Pictures Corporation.

Elizabeth J. Winter, Trademark Examining Attorney, Law
Office 113 (Meryl L. Hershkowitz, Managing Attorney).

Before Hanak, Wendel and Bottorff, Administrative Trademark
Judges.

Opinion by Wendel, Administrative Trademark Judge:

Larry Harmon Pictures Corporation has filed an
application to register ANOTHER FINE MESS for "T-shirts."¹

Serial No. 74/468,324, filed December 10, 1993. The application was filed as an intent-to-use application and originally encompassed goods in Classes 21, 24 and 25. By amendment goods in Class 16 were added. A notice of allowance issued for these goods on December 19, 1995. After several extensions of time, a statement of use was filed December 3, 1998. The goods at this point were restricted to T-shirts. The dates of use provided by applicant were at least as early as October 1998. The refusal of registration issued after submission of the statement of use and the accompanying specimens.

Registration has been finally refused under Sections 1, 2, and 45 on the ground that the proposed mark is ornamental, as used on the goods, and does not function as an indicator of the source of the goods.

The refusal has been appealed and both applicant and the Examining Attorney have filed briefs. An oral hearing was not requested.

The specimens of record show the mark being used on T-shirts in the following manner:



Applicant argues that the ornamentation refusal is improper because "the mark is recognized as an indicator of secondary source or sponsorship for the goods because the term 'another fine mess' is considered the 'trademark' saying of Oliver Hardy of the comic duo Laurel and Hardy."

(Brief p. 3). Applicant is in fact the owner of the right of publicity associated with Laurel and Hardy and owns registrations for the mark LAUREL AND HARDY. Applicant contends that persons who know the characters of Laurel and Hardy would be the main purchasers of applicant's T-shirts; that these persons would be well aware of the practice of the merchandising use of marks on T-shirts which are primarily used to identify other goods or services, especially in the field of entertainment; that these persons would associate applicant's use of the mark ANOTHER FINE MESS with the "trademark" phrase of Hardy; and that because the mark would be recognized as referring to Laurel and Hardy, the mark serves a source-identifying function as well as an ornamental function.

Applicant has submitted evidence to support its contention that an association would be made by the relevant public of the phrase "another fine mess" with the Hardy character of the Laurel and Hardy team. While a substantial amount of this material cannot be taken into consideration because it is either from unidentified sources, such as the newspaper articles in Exhibit A, or from foreign sources, such as several of the excerpts

retrieved from the Nexis database in Exhibit D,² the following evidence is acceptable for review:

While it was, naturally enough, Stan's idea to make the film, he was unhappy with the result and remade it in 1930 as *Another Fine Mess*. Then it was made with sound, including what was to become the most quoted fade-out line in movie history from Ollie to Stan: "Here's another fine mess you've gotten us into!"

F. L. Guiles, *Stan: The Life of Stan Laurel*;

The sketch became the foundation for the later Laurel & Hardy short subjects *Duck Soup* 1927 and *Another Fine Mess* 1930 - the latter version introducing Ollie's memorable lament.

W. D. Gehring, *Laurel & Hardy*;

Headline: Another fine mess Saturday
Let's see. How many people can remember the line "That's another fine mess you got me into" from the Stan Laurel and Oliver Hardy movies?
The Fresno Bee (September 21, 2000);

Headline: Laurel & Hardy followers yuk it up
Unfortunately, Laurel and Hardy, both long deceased... could not be at the event to enjoy the follies. But had they been, fans bet Hardy would have looked at them and said "Another fine mess."
The News Tribune (July 22, 2000);

Headline: Yet Another Fine Mess
Remember that inevitable scene in Laurel and Hardy films when Ollie would turn to Stan and say: "Well, here's another fine mess you've gotten me into!"?
Direct (March 1, 2000);

Then we shake our heads, point fingers at each other and, like Ollie in so many of the Laurel and Hardy classics, say, "Here's another fine mess you've gotten me into."
Anchorage Daily News (December 2, 1999);

² The issue being the perception of the mark by the public in the United States, the relevant material is that which has been in circulation in the United States.

The first thing that comes to mind as I see President Clinton bumbling into foreign policy is the old Laurel and Hardy plaint, "Well, here's another fine mess you've gotten us into."
The Cincinnati Enquirer (April 10, 1999).

Applicant argues that this evidence establishes that ANOTHER FINE MESS is the "signature phrase" associated with Laurel and Hardy and thus serves a source-indicating function. Applicant further points to the evidence of record showing that it has licensed the mark to Kenneth Cole for use in its advertising in the variation "That's another fine mess shoe've gotten us into" as a reflection of the fame of the phrase and of the advertiser's confidence that the public would make the association with Laurel and Hardy, despite the slight variation.

The Examining Attorney maintains that the proposed mark, as used on the specimen of record, is part of the aesthetic ornamentation of the goods. She notes that the phrase is shown at the top of a picture of Laurel and Hardy and considers the phrase to function merely as a caption or subtitle for the scene portrayed on the T-shirt. As such, she argues that the wording is simply "part of the thematic whole of the ornamentation of applicant's T-shirts and does not evoke the commercial impression of a source indicator." (Brief p.3). She maintains that in order to show that the

proposed mark serves as an identifier of a secondary source, applicant must provide evidence to show that proposed mark would be recognized as a mark through its use with other goods or services. But, according to the Examining Attorney, applicant has failed to provide any evidence that the wording ANOTHER FINE MESS has been used with other goods or services such that it would be perceived as a trademark or service mark or as an identifier of a secondary source. Applicant's evidence is said to show at best the use of the phrase in connection with Laurel and Hardy.

The Examining Attorney argues that a "signature phrase", as ANOTHER FINE MESS is argued to be, is not necessarily the equivalent of a trademark. In the first place, she refers to the evidence made of record consisting of excerpts of stories retrieved from the Nexis database in which the phrase "Another fine mess" is shown to have been used in various contexts without any reference to Laurel and Hardy. Second, even if recognized as a signature phrase of Laurel and Hardy, she insists that this is not the same as a trademark which is used to identify and distinguish a person's goods and that while the phrase has been used as the title of a single film, this is excluded from the scope of potentially registrable subject

matter. Finally, she argues that there is no evidence of record that purchasers would recognize the phrase as a trademark or that it has been promoted as a mark. In addition, she questions whether purchasers would make the association of the phrase with Laurel and Hardy when used alone, as it is sought to be registered, and not in conjunction with the photographs of the duo and/or the mark LAUREL AND HARDY.

It is well settled that matter which serves as part of the aesthetic ornamentation of goods, such as T-shirts, may nevertheless be registered as a trademark for such goods, if it also serves a source-indicating function. In *re Pro-Line Corp.*, 28 USPQ2d 1141 (TTAB 1993); In *re Dimitri's Inc.*, 9 USPQ2d 1666 (TTAB 1989). Such ornamental matter may be found to additionally serve a source-indicating function, and hence to be registrable, if, for example, it names the secondary source of the goods or if, at the time of its first use as ornamentation, it was already a recognized trademark of applicant for services or other goods. In *re Astro-Gods Inc.*, 223 USPQ 621 (TTAB 1984); In *re Paramount Pictures Corp.*, 213 USPQ 1111 (TTAB 1982) and In *re Olin Corp.*, 191 USPQ 182 (TTAB 1973).

As the Board stated in the *Olin Corp.* case at pages 182-183:

It is a matter of common knowledge that T-shirts are "ornamented" with various insignia, including college insignias, or "ornamented" with various sayings such as "Swallow Your Leader." In that sense what is sought to be registered could be construed to be ornamental. If such ornamentation is without any meaning other than as mere ornamentation it is apparent that the ornamentation could not and would not serve as an indicia of source. Thus, to use our own example, "Swallow Your leader" probably would not be considered as an indication of source.

The "ornamentation" of a T-shirt can be of a special nature which inherently tells the purchasing public the source of the T-shirt, not the source of manufacture but the secondary source. Thus, the name "New York University" and an illustration of the Hall of Fame, albeit it will serve as ornamentation on a T-shirt will also advise the purchaser that the university is the secondary source of that shirt. It is not imaginable that Columbia University will be the source of an N.Y.U. T-shirt. Where the shirt is distributed by other than the university the university's name on the shirt will indicate the sponsorship or authorization by the university. In the case before us, the T-shirt is ornamented with applicant's trademarks, and considering the nature of T-shirts, that particular ornamentation can serve as an indication of a secondary source of origin. The matter sought to be registered is an arbitrary symbol and can and does function as a trademark. As used on the T-shirts, we conclude that the mark serves as an identifier of a secondary source and as such is registrable.

Thus, in the *Olin Corp.* case, an arbitrary design which was applied to the face of the T-shirts was found registrable on the basis that the design had previously been registered as a trademark by the applicant for skis. It was this association which caused the mark, as used on the T-shirts, to function as an identifier of a secondary source.

In Paramount Pictures Corp., *supra*, the MORK & MINDY mark was held registrable for decalcomanias, on the basis primarily of its significance as a indicator of source or origin in the proprietor of the Mork & Mindy television series, although it was also noted to have already been registered as a trademark for various collateral products. The Board stated that while the names MORK & MINDY were certainly part of the ornamentation of the decals, they also indicated source in the same manner as the design in the *Olin Corp.* case.

In Watkins Glen International, Inc, 227 USPQ 727 (TTAB 1985), a flag design was found registrable for various clothing items on the basis that the design comprised the dominant portion of the applicant's prior registered service mark for organizing and conducting vehicular racing contests and thus was likely to be perceived not only as an attractive ornamental design but also as an indication of origin. Once again the similarity to the *Olin Corp.* case was noted, in that public association of the design with the applicant with respect to its auto racing services would cause the design to function as an indicator of source when used on collateral clothing items.

By comparison, in *In re Astro-Gods Inc.*, *supra*, the designation ASTRO GODS and design, sought to be registered

Ser No. 74/468,324

for T-shirts, was found to be nothing more than part of the thematic whole of the ornamentation of the applicant's shirts. The Board pointed out that the designation was not a recognized mark of applicant at the time it was first used ornamentally on T-shirts nor had it since been promoted in such a manner to create recognition of it as a trademark. Although applicant in some instances used a copyright notice containing applicant's trade name Astro Gods on the bottom of the T-shirts, the Board was not persuaded that purchasers would make an association between the designation and applicant's name in the copyright notice such that ASTRO GODS would be viewed as an indication of origin.

Similarly, in *In re Dimitri's Inc, supra*, the designation SUMO was found to be nothing other than part of the thematic whole of the ornamentation of the applicant's hats and T-shirts. The Board noted that the designation SUMO was always used in connection with stylized representations of sumo wrestlers and as such had a highly suggestive significance in relation to the rest of the ornamental matter on the goods. The statements of a relatively small number of customers with respect to an association of SUMO with applicant were found insufficient

to conclude that that designation functioned as a trademark for the goods.

As shown to be true in these prior cases, where an alleged mark serves as part of the aesthetic ornamentation of the goods, the size, location, dominance and significance of the alleged mark as applied to the goods are all factors which figure in the determination of whether this matter also serves as an indication of source. See *In re Dimitri's*, *supra*. Applying these factors to applicant's proposed mark, ANOTHER FINE MESS, and its use on T-shirts, it would appear at first blush that the phrase functions simply as a title or caption for the scene illustrated on the shirts. As such, the situation would be no different from the latter cases discussed above. The phrase would serve as no more than part of the thematic whole of the ornamentation on the shirt, as argued by the Examining Attorney.

We cannot ignore, however, applicant's contentions that ANOTHER FINE MESS, as used on these shirts, has a significance beyond that of merely captioning the scene portrayed on the goods. We find the evidence submitted by applicant sufficient to establish that "another fine mess" was the signature phrase of the comic duo of Laurel and Hardy. While the Examining Attorney has introduced

evidence of the use of the phrase by persons without making any reference to Laurel and Hardy, applicant's evidence is sufficient to convince us that many persons would be so familiar with the phrase that they would be prone to using it in connection with every day occurrences, without giving credit to the source of the phrase. Moreover, we agree with applicant that the purchasers of applicant's T-shirts would be likely to be persons who are familiar with Laurel and Hardy and that these purchasers would be apt to make the association between the phrase and the Hardy character of the Laurel and Hardy team.

The question which remains is whether the presence of this signature phrase serves to perform the function of identifying a secondary source for the goods. It is true that the phrase does not directly name any secondary source for the goods. Moreover, there is no evidence of record that the phrase already is a recognized trademark of applicant for any services or other goods, as in the *Olin Corp.* and *Watkins Glen* cases. The designation LAUREL AND HARDY would appear to fall within these categories, but not ANOTHER FINE MESS.

We do not believe, however, that the qualifications for serving as an indicator of a secondary source are so limited. As we quoted from the *Olin Corp.* case:

The ornamentation of a T-shirt can be of a special nature which *inherently* tells the purchasing public the source of the T-shirt, not the source of manufacture but the secondary source. [Emphasis added].

Here we have convincing evidence that the phrase ANOTHER FINE MESS points uniquely to the comic duo of Laurel and Hardy. The relevant purchasing public would make the association between the signature phrase and the performers. Furthermore, this public would certainly be familiar with the merchandising practice of using images or the names of entertainment persons or the characters they portray as the indication of secondary source on collateral items such as T-shirts, decals and the like. It was on this basis that the names MORK & MINDY, the characters in a television series, were found to function as an indicator of secondary source in the *Paramount Pictures* case.

While the use of a signature phrase is one step removed from the use of character names or images, we do not think the identification of source is any less positive. The phrase ANOTHER FINE MESS points distinctively to the comic team of Laurel and Hardy and thus inherently tells the public the secondary source of the T-shirts, just as clearly as would the names LAUREL AND HARDY. See *Lone Ranger, Inc. v. Cox*, 124 F.2d 650, 52 USPQ 146 (4th Cir. 1942) (Distinctive call "Hi, yo Silver"

associated by public with radio program Lone Ranger). Moreover, we find the evidence of record sufficient to establish that this association of ANOTHER FINE MESS and Laurel and Hardy would be so strong that persons would perceive the phrase as an indicator of secondary source of the goods, even when used alone, as the phrase is sought to be registered. ANOTHER FINE MESS functions as a mark for applicant's T-shirts, since although it may be part of the aesthetic ornamentation of the goods, it also serves a source-indicating function.

In making our determination of the registrability of this signature phrase, we have been guided by the general principle set forth in Paramount Pictures Corp., *supra* at 1113, that

while not every sign used on a product, or on its label, package, etc., functions as an indication of source of the product on which it is used - e.g., some are merely part of the aesthetic ornamentation - the broad and liberal interpretation of our law is that, where such a sign also serves a source indicating function, it should be regarded as acceptable subject matter for registration. [Citations omitted].

Decision: The refusal to register under Sections 1, 2 and 45 is reversed.